



## Florida Department of Environmental Protection

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2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Noah Valenstein  
Secretary

### **Via Electronic Mail**

August 29, 2017

Mr. Scott Pruitt, Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue N.W.  
Washington, DC 20460

Mr. Lawrence Starfield, Acting Assistant Administrator  
Office of Enforcement & Compliance Assurance (OECA)  
Mail Code 2201 A, Room AR 3204  
12000 Pennsylvania Avenue N.W.  
Washington, DC 20460

Re: State of Florida Request for Waiver of Federal 9.0 psi RVP Requirements Related to Hurricane Harvey

Dear Mr. Pruitt and Mr. Starfield:

This letter shall serve as the State of Florida's and Florida Department of Environmental Protection's (Department) written request for relief from federal 9.0 Reid Vapor Pressure (RVP) gasoline requirements and relief from the prohibitions on blending various blendstocks for the entire State of Florida. This waiver is needed due to fuel supply interruptions caused by a major weather event.

On August 25, 2017, Hurricane Harvey made landfall on the Texas coast. Due to the hurricane and resulting flooding, numerous petroleum refineries were shut down or are operating at reduced rates. The remnants of Hurricane Harvey continue to have an adverse effect on fuel supply and refinery operations, which could exacerbate existing concerns about the availability of gasoline.

According the U.S. Department of Energy's August 29, 2017 situation report, all six refineries in the Corpus Christi area and five refineries in the Houston/Galveston area have

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been shut down. These refineries have a combined refining capacity of 2,361,149 barrels per day – equal to 24.4 percent of total Gulf Coast (PADD 3) refining capacity and 12.8 percent of total U.S. refining capacity. In addition, four refineries in the Houston/Galveston region area, one refinery in the Beaumont/Port Arthur area and two refineries in the Lake Charles area are reported to be operating at reduced rates.

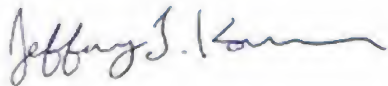
Many of the ports and terminals in these affected areas have been shut down. This directly impacts Florida as the state is heavily reliant upon fuel refined in the Gulf of Mexico, which is transported into Florida's seaports via marine vessels.

Based upon the Department's conversations with the Florida Petroleum Council and a number of petroleum companies, the shutdown of refineries in Texas is affecting fuel supply in Florida. To alleviate fuel supply concerns, the Department is requesting a waiver of the requirement of 40 C.F.R. 80.27(a)(2) that 9.0 pounds per square inch (psi) RVP gasoline be sold until September 16 and a waiver of the requirement of 40 C.F.R. 80.78(a)(7) that prohibits the combining of reformulated gasoline blendstock for oxygenate blending with any other gasoline, blendstock or oxygenate. This will allow for more types of fuels to be imported into Florida, improving the ability of the state to receive shipments from a diverse set of suppliers.

This request meets the waiver requirements of Clean Air Act section 211(c)(3)(C)(ii) as an extreme and unusual fuel supply circumstance exists and the expected fuel supply interruptions are the result of a natural disaster that could not reasonably have been foreseen or prevented and not the result of the lack of prudent planning. The granting of this waiver is in the public interest as an adequate supply of transportation fuels is an important concern of the general public.

The Department respectfully requests that the U.S. Environmental Protection Agency grant this waiver through September 15, 2017. Pursuant to this waiver, non-summertime RVP fuel will be able to be sold statewide immediately, instead of on September 16, 2017, and reformulated blendstocks blended with conventional blendstocks will be able to be imported to Florida from suppliers along the east coast. If you have any questions about this fuel waiver request, please contact me at (850) 717-9000 or by email at [Jeff.Koerner@dep.state.fl.us](mailto:Jeff.Koerner@dep.state.fl.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffery F. Koerner".

Jeffery F. Koerner, Director  
Division of Air Resource Management